IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9467 of 2005

Between:

B.Atchayya Naidu, s/o Pothuraju,
r/o Dibbalapalem Village, Atchutapuram Mandal,

Visakhapatnam District.

..... PETITIONER

AND

1 Sri Dharmalingeswara Swamy Vari Temple, rep., by its

Manager, Dharapalem Village, Rambilli Mandal,
Visakhapatnam District.
2 The Assistant Commissioner of Endowments, Visakhapatnam.
3 The Deputy Commissioner of Endowments, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly a writ in the nature of mandamus declaring the action of the 1st respondent in conducting public auction of the lands of an extent of Ac.7.12 cents in S.Nos.48 and 49 of Haripuram Village, Rambilli Mandal, Visakhapatnam District as illegal and void without determining whether the aforesaid lands are private lands of the petitioner or endowment lands of the 1st respondent as contemplated under the Endowments Act.

Counsel for the Petitioner: MR.M.S.R.SUBRAHMANYAM

Counsel for the Respondent No.1: SMT.N.INDRANI, STANDING COUNSEL

Counsel for the Respondent Nos.2&3: GP FOR ENDOWMENTS

This Court at the admission stage made the following:

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O R D E R:

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Questioning the action of the respondents in conducting public auction in respect of the land to an extent of Ac.7-12 cents in Sy.Nos.48 and 49 of Haripuram village, Rambilli Mandal, Visakhapatnam District, the petitioner filed the writ petition.

It is the case of the petitioner that he along with others purchased the above land from a third party, and since the date of purchase, they are in possession and enjoyment of the same. The petitioner contends that the 1st respondent temple published a notice on 5.4.2005 for conducting an auction on 16.4.2005 in respect of the usufruct of the land said to have been held by the petitioner and others. The petitioner made a representation on 15.4.2005 to the 3rd respondent to stop the auction proceedings and decide his title, but no action has been taken so far. He also contends that as no bidder was present on the date of auction, i.e.16.4.2005, the same has been postponed to 27.4.2005. Hence, the writ petition.

Heard the learned Counsel for petitioner and the learned Government Pleader and learned Standing Counsel for the respondents.

The petitioner claimed that he along with some others purchased the land from a third party. When the respondent temple issued the auction notice in respect of the lease hold rights of the land in question, the petitioner made a representation to the 3rd respondent, Deputy Commissioner of Endowments, to stop the said auction and decide his title over the land. But as seen from the record, except a copy of the representation made by the petitioner, no other supporting material has been filed by the petitioner in support of his contention that he purchased the land from third parties and that he is in possession of the same. It is clear that the petitioner has filed this writ petition only with an intention to stall the auction proposed to be conducted by the temple authorities in respect of the land in question. Therefore, I

see no reason to entertain this writ petition.

The writ petition is accordingly dismissed at the stage of admission. No order as to costs.

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26th April 2005

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To

1 TheManager, Sri Dharmalingeswara Swamy Vari Temple,

Dharapalem Village, Rambilli Mandal,
Visakhapatnam District.
2 The Assistant Commissioner of Endowments, Visakhapatnam.
3 The Deputy Commissioner of Endowments, Visakhapatnam.

4 Two C.Cs to the Govt.Pleader for Endowments,

High Court buildings, Hyderabad, (OUT).

5 Two C.D.copies.